

Serial No. 10/006,009

REMARKS

The Final Office Action of May 14, 2004 has been received and reviewed. Claims 17-25 and 47-52 are pending in the application, and all pending claims stand rejected. Applicants would like to thank the Examiner for the courtesy extended during the interview of September 7, 2004. Applicants propose to amend claims 17, 18, 22, 25, 47, 48, 51 and 52 as set forth herein. All amendments are made without prejudice or disclaimer. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 17-25 and 47-52 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." (See Office Action, at page 2.) At least partially in view of the proposed amendments, applicants respectfully traverse the rejections.

The Examiner states the claims are indefinite because "it is unclear whether the claims are drawn to a method of 'determining activity and/or possible side effects of a medicament,'" or to methods of determining whether a relative ratio . . . is 'indicative of a therapeutic activity or a side effect.'" (*Id.*). Applicants propose to amend independent claim 17 as generally agreed upon at the interview of September 7, 2004. Thus, as proposed to be amended, claim 17 should be definite.

Claims 18-25 and 47-52 all depend from independent claim 17. Thus, the amendments to independent claim 17 necessarily also go to dependent claims 18-25 and 47-52 and, thus, the dependent claims should also be definite. Further, as discussed at the interview, applicants propose to amend dependent claims 18, 22, 25, 47, 48, 51 and 52 to comply with requirements as to form.

Reconsideration and withdrawal of the indefiniteness rejections of claims 17-25 and 47-52 are requested.

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ENTRY OF AMENDMENTS

The proposed amendments to claim 17, 18, 22, 25, 47, 48, 51 and 52 should be entered by the Examiner because they are supported by the as-filed specification and do not add any new matter. Further, as the proposed amendments were generally agreed upon at the interview of September 7, 2004, the amendments should comply with requirements as to form and place the application in condition for allowance.

CONCLUSION

In view of the forgoing amendments and remarks, applicants respectfully submit that the claims define patentable subject matter. Should the Office determine that additional issues remain which might be resolved by a telephone conference, the Office is invited to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



Andrew F. Nilles

Registration No. 47,825

Attorney for Applicants

TRASKBRITT, P.C.

P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

FAX: 801-531-9168

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